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C O N F I D E N T I A L SECTION 01 OF 02 BANGKOK 003091

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SUBJECT: DIPLOMATIC CORPS BRIEFING ON THAI TRIBUNAL DECISION

REF: A. BANGKOK 03058 (AMNESTY FOR THAI RAK THAI? TRIAL
BALLOON POPS)
[B.](#) BANGKOK 2994 (TRT DISSOLVED)
[C.](#) BANGKOK 2993 (DEMOCRAT PARTY CLEARED)

Classified By: Political Counselor Susan M. Sutton. Reason 1.4 (b,d)

[¶](#)1. (SBU) In a briefing for the diplomatic corps on June 5, Ministry of Foreign Affairs (MFA) Permanent Secretary Virasak Futrakul affirmed that Thailand "is a nation of laws" and that the recent (ref B) Constitutional Tribunal case dissolving ousted PM Thaksin's Thai Rak Thai (TRT) party and banning its leaders from running for office for five years was consistent with Thai law and would not lead to delays in the return to democracy. Ministry of Justice Permanent Secretary Jaran Pakdithanakul, who also serves as deputy

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chair of the Constitutional Drafting Committee (CDC), followed by offering a detailed defense of the court case. Jaran explained that the Constitutional Tribunal was widely viewed as impartial and professional. No outside pressure or intervention influenced the judges' decision. The charges against both TRT and the Democrat party were filed before the September 2006 coup. According to Jaran, the judges were unanimous in their finding of the facts of the case: that TRT leaders violated election law.

[¶](#)2. (SBU) Jaran acknowledged debate within the legal community--and the Tribunal--over TRT's punishment. While election laws under the 1997 constitution provided for the dissolution of a political party guilty of legal violations, the revocation of certain political rights (voting, running for office) from 111 members of TRT's executive board was established after the coup by the military leadership. Jaran admitted that this was a retroactive application of the law, but argued that, since this was not a criminal legal issue, it did not violate international legal norms.

[¶](#)3. (SBU) In response to questions from foreign envoys, Jaran denied that legal appeal of the ruling was possible and voiced his opinion that any amnesty (a topic briefly broached over the weekend; ref A) would not be "the best result for the country." The Tribunal's decision was a firm warning that "political misconduct does not pay." Jaran also explained that the 111 TRT leaders cannot run for office,

vote or serve as leaders of a political party, but they will be able to participate in politics. Virasak added that those punished would also have full "freedom of expression."

¶14. (SBU) Jaran likewise denied that the dissolution of the country's largest party and the removal of over a hundred top political leaders would undercut the effectiveness of Thai democracy in the election tentatively scheduled for later this year. "This may be an opportunity" for Thai democracy now that a new generation of leaders and several smaller (and in some cases older) parties have a better chance to win election. Virasak added that TRT's flagrant violation of election laws--as detailed by the Tribunal--was hardly evidence of healthy democratic behavior.

¶15. (SBU) Following a lengthy description of the process for TRT supporters to register a new political party, Jaran confirmed that the government is considering lifting the ban on political activities established in post-coup Announcements 15 and 27. He denied public speculation that such a move could result in amnesty for TRT leaders--the article providing for their punishment by the Tribunal would not be lifted. Jaran said that lifting the broader ban on political activities by all parties would allow the country's politicians to prepare for the upcoming election "to be held December 16 or 23 at the latest." Echoing reports in this morning's newspapers, Jaran said if the referendum on the new constitution was moved from September to August 19, that could result in even earlier elections.

COMMENT

¶16. (C) As boilerplate as portions of the briefing were, the overall tone was consistent with MFA's defensive message since September 2006: we had a coup because Thaksin was bad,

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but we are really democratic and base our actions on the rule of law. Jaran's public mention of possible earlier elections--while a welcome idea--does not reflect any serious commitment to such: MFA officials present were unwilling to confirm that this scenario is under consideration. Advancing the date for elections is likely to become a hot topic among the Bangkok elite, particularly once the ban on broader political activities is lifted, but there are both practical and political obstacles that would have to be overcome to advance the date.

BOYCE